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June 11, 2004

VIA FACSIMILE AND U.S. MAIL

John Feeley
Illinois Commerce Commission
160 North LaSalle Street
Suite C-800
Chicago, Illinois 60601
(312) 793-8824 (telephone)

Re: ICC v. Resource Technology Corporation,
No. 02-0461

Dear Mr. Feeley:

Enclosed please find copies of letters dated July 10, 2003, June 26, 2003, November 4, 2002 and August 29, 2002 regarding Staff's outstanding responses to RTC's discovery requests. Please provide the information requested by July 8, 2004 at the latest.

Please call me if you have any questions.

Very truly yours,



Kathleen Holper Champagne

cc: Ross E. Kimbarovsky (w/o encls.)

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July 10, 2003

VIA E-MAIL AND REGULAR MAIL

David L. Nixon
Illinois Commerce Commission
Office of the General Counsel
160 North LaSalle Street, Suite C800
Chicago, IL 60601

Re: ICC v. Resource Technology Corporation
Docket Nos.: 02-0461
Our File No.: 07778/23924

Dear Mr. Nixon:

This letter responds to your July 8, 2003 letter regarding RTC's objections to Staff's responses to RTC's data requests. Thank you for forwarding to us a copy of your March supplement. However, these responses do not address most of the deficiencies and objections outlined in my June 26, 2003 letter. In addition, contrary to your assertion, the March supplement does not cover the information sought in DB 1-8 or respond to Tracy Stevenson's 201(k) letter dated November 4, 2002. Please fully respond to my June 26, 2003 letter. In addition, now that we have data requests DB 13, 17, 18, 19, 21, 23, 26, and 27, we have the following additional comments and objections:

DB 14 & 20. These responses are still missing or unanswered by Staff. Please provide your responses to these requests immediately.

David L. Nixon
July 10, 2003
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DB 17 & 21. Your responses state that Staff is reviewing materials in its possession for documents that comport with our request. Please state whether you have completed your review and produce any documents you have identified as responsive.

DB 23. Your objection is improper. This request seeks "reports referenced during" the August 28, 2002 meeting. These reports were already in existence prior to the meeting and you have not stated any basis for which they are privileged. The request does not seek notes or other attorney work product from that meeting. Referencing these reports during the meeting does not make them privileged or subject to being withheld on the basis of the settlement discussions. Please produce the reports.

We ask that you respond to this letter, as well as my June 26, 2003 letter, by supplementing your responses within the next seven days.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Julie A. Doyle

Julie A. Doyle

JAD/mh

cc: Liz Sharp (via facsimile)

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June 26, 2003

VIA E-MAIL AND REGULAR MAIL

David L. Nixon
Illinois Commerce Commission
Office of the General Counsel
160 North LaSalle Street, Suite C800
Chicago, IL 60601

Re: ICC v. Resource Technology Corporation
Docket Nos.: 02-0461
Our File No.: 07778/23924

Dear Mr. Nixon:

We are writing you regarding Staff's responses to RTC's data requests 1-31. This letter outlines deficiencies we believe exist in your responses. We ask that you supplement your responses within fourteen days.

With regard to DB 1-DB 8, we refer you to our letters dated August 29, 2002 and November 4, 2002. The November 4 letter sets forth in detail the deficiencies in Staff's responses to these requests. Please provide a response to our letters.

With regard to DB 9-31 (RTC's "Supplemental" Data Requests), we offer the following comments:

DB 13, 14, 17, 18, 20, 21, 23, 26, and 27. No responses to these requests were provided. Please provide your responses immediately.

DB 15. This request seeks information beyond issuance of a final order. Please set forth the process by which a QSWEF application is reviewed, evaluated, and acted upon by the ICC, including those person(s) and/or group(s) within the ICC who perform the review and report to the members of the ICC. Please amend your response.

DB 16. Your objection is improper. Requirements relating to calculations of avoided costs and the ICC's review of avoided cost rates is relevant to this proceeding. Your petition for review seeks a determination of RTC's status as a QSWEF and also its capacity over 10 MWs, which is related to the issue of avoided costs. Please amend your response.

DB 19. Please confirm that you have provided all spreadsheets from ComEd in response to any data requests.

DB 25. Your objection is improper. The request does not seek information submitted on a confidential basis. We are aware that much, if not all, of the information relating to QSWEFs, including petitions and applications to the ICC, are a matter of public record and subject to the applicable Freedom of Information Act requirements. The status of other QSWEFs similarly situated to the Pontiac Facility is extremely relevant to this matter. RTC has the right to know if other entities have been granted QSWEF status with capacity of 5 MW or higher so that RTC may investigate their status. Further, RTC has the right to know the names of other entities that have been granted a change in capacity (DB 26) and whether any QSWEFs in Illinois utilize natural gas (DB 27). The status and treatment of these entities is relevant to this proceeding and we ask that you respond to DB 25-27.

DB 28. Your response is incomplete. Please explain your position that (and the basis for) ComEd has or will have received tax credits in excess of amounts it should have received.

DB 29-30. Your response is incomplete. Is it your sole contention that RTC is in violation of the Public Utilities Act because the LSWDA (allegedly) does not provide any allowance for using natural gas? If not, please provide a full response to these requests.

In addition, you respond by stating that "to the extent that natural gas might be permitted" This response is not complete. Please explain whether Staff believes that RTC is permitted to use natural gas in its operations and, if yes, what are the permitted uses.

Finally, you state that the "amounts of natural gas employed by RTC ... exceed such permitted uses." What amounts do you contend RTC employ(s)(ed) in its operations? What amounts did you use to come to this conclusion in response number 29?

DB 31. Please confirm that you have provided us with all copies of documents provided to you by Nicor or ComEd in response to Staff's data requests to those entities.

David L. Nixon
June 26, 2003
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All Data Requests. Please confirm that your previous answers still remain complete and that you do not have any supplemental information responsive to RTC's data requests. If you need to supplement any responses not outlined above, please do so.

We ask that you respond to this letter by supplementing your responses within the next fourteen (14) days.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Julie A. Doyle

Julie A. Doyle

JAD/mh

cc: Liz Sharp (via facsimile)

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November 4, 2002

Via Email and Regular Mail

David L. Nixon
Illinois Commerce Commission
Office of the General Counsel
160 North LaSalle Street, Suite C800
Chicago, IL 60601

Re: *ICC v. Resource Technology Corporation*
Docket Nos.: **02-0461**
Our File No.: 07778/23924

Dear Mr. Nixon:

I am receipt of your letter of October 23, 2002. While we believe that our initial 201(k) letter was very clear, we will cooperate with your request to further clarify the deficiency in the staff's response to Resource Technology Corporation's data request numbers 1-8.

DB1 - Letters exist from ComEd to RTC referencing conversations that the Illinois Commerce Commission, by its staff, had with ComEd and its agents and employees regarding claimed limitations on RTC's QSWEF status. Request number one seeks all information, notes, and logs regarding the staff meetings, conferences, and inquiries to ComEd regarding RTC's QSWEF status as to its Pontiac site. As you are well aware, this information is not contained within the Illinois Commerce Commission filing and, the question seeks information in addition to official records held by the Commerce Commission. Therefore, please answer accordingly.

DB2 - See answer to number one above. Again, the request seeks more than simply spreadsheets and includes approval of riders, discussions regarding riders and/or approval of them, negotiations as to effect of limiting RTC's status and again seeks all information regarding conversations, documents, correspondence, and notes formal or informal relating to the Commission's discussions with ComEd regarding RTC's facility.

DB3 - The question seeks the background as to why Tom Kennedy and David Borden of the Energy Division placed a call to Bob Garcia, the name of the individual who initiated the phone call and the basis for the initiation of that phone call. Further, please fully answer the question regarding references made to the exact dates in which conversations, meetings, conferences, or communications, were had as well as the basis for discussions and/or contemplation of any change in ComEd payments of rates to RTC. The request specifically references notes, documents, correspondence, and other data representing the information contained within the staff's answer which was not attached to staff's response to data request.

CHUHAK & TECSON, P.C.

David Nixon

Illinois Commerce Commission

November 4, 2002

Page 2

DB 7, 8 - These data requests seek the notes, correspondence, and any and all evidence regarding a determination by the staff that RTC is limited to 10 megawatts of QSWEF for which it is eligible to receive Rider 3 rates. As such, the staff has a position as to the calculation of Rider 3 rates and the avoided costs rates. Please provide all information, knowledge, or correspondence with ComEd or any other entity regarding the manifestation of such limitation and/or other documents.

We anticipate receiving these responses from you on or before November 14, 2002, our next status hearing before Administrative Law Judge Showtis.

Very truly yours,

CHUHAK & TECSON, P.C.



Tracy E. Stevenson,
One of the Attorneys for RTC

TES/cw

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August 29, 2002

David L. Nixon
160 North LaSalle Street
Suite C800
Chicago, IL 60601

Re: *ComEd v. RTC*
Docket No.: 02-0461
Our File No.: 07778/23924

Dear Mr. Nixon:

We have contacted the Clerk of the ICC regarding the file materials kept at Springfield. The court reviewed the materials and has indicated that the only documents contained within the ICC file related to this matter and its investigation prior to litigation are those documents which are contained within the ICC E-Docket system. Of course, as declared within our data requests, the information we sought includes those documents of notes, memorandum, e-mail and other information which the RTC staff reviewed prior to the Commission's filing of this matter. As you are aware, meetings were held between RTC and potentially Com-Ed as early as October, 2001. We know that information is contained within the Springfield file. It is this information in which we are looking for.

Further, according to staff's recent responses to RTC's Data Requests, staff has data that was derived during meetings in the Spring of 2002 which we request be turned over for review. Of course, we shall be happy to come to the staff's office to review these documents and copy that which we deem necessary. Also referenced by staff are data pertaining to an October 2001 meeting. We would like to review that data also.

Finally, in light of the staff's production of Com-Ed's documents, the objections that "the information requested in the initial discovery is in the possession of Com-Ed" does not appear to be a meaningful objection. Clearly staff has conferred with Com-Ed and has documents related to those conferences. In fact, staff did produce data which belongs to Com-Ed. Therefore, we ask that you please produce all documents which you have in your possession whether received from Com-Ed or otherwise.

CHUHAK & TECSON, P.C.

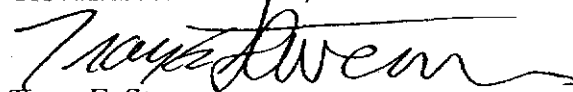
David L. Nixon
August 29, 2002
Page 2

This letter serves as a request to amicably resolve these differences and to obtain the requisite discovery information prior to intervention by the Administrative Law Judge. We appreciate your cooperation in responding to this new request and submitting complete compliance with the former requests within the next 14 days.

Thank you for your cooperation.

Very truly yours,

CHUHAK & TECSON, P.C.

A handwritten signature in black ink, appearing to read "Tracy Stevenson", written over a horizontal line.

Tracy E. Stevenson,
One of the Attorneys for RTC

TES/dg